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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,039	12/15/2003	Kevin James Kroculik		4009

7590 08/20/2004

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EXAMINER

LOBO, IAN J

ART UNIT PAPER NUMBER

3662

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/736,039

Applicant(s)

KROCULICK, KEVIN JAMES

Examiner

Ian J. Lobo

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **3DETAILED ACTION**

1. The amendment in response to the previous office action has been entered and remarks filed therewith, noted.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the PG publication to Kroclicik ('038).

The PG publication to Kroclicik discloses a car stereo with driver warning system that includes police radar detector incorporated into a car stereo. The system includes a housing (1) adapted for mounting to the dashboard of a motor vehicle, an amplifier (11) provided within said housing for amplifying audio signals, at least one speaker (9) electrically connected to the amplifier for producing audible sounds, means (AM/FM tuner, compact disc, tape player) for generating audio signals electrically connected to the amplifier, radar detector means (12) for detecting the presence of police radar signals provided within the housing, alert means (23, 24) electrically connected to the radar detector means for providing at least one of a visual warning signal and audible warning signal when radar signals are detected, and muting means (31) for reducing the level of sound provided to at least one speaker from the means for generating audio

Art Unit: 3662

signal whenever the radar detector means detects the presence of police radar signals.

The “whereby” clause added in the most recent does not further limit the claim since the amendment merely adds functional language to the instant claim which functions are capable of being performed by the structure disclosed in the ‘038 publication.

Independent claim 1 is so anticipated.

Dependent claims are further anticipated by structure disclosed in the Kroclick publication. Specifically, with respect to claims 2 and 3, see paragraph 20 on page 2. With respect to claims 4- 9, see paragraph 85 on page 3. With respect to claim 10-12, see paragraphs 98-99 on page 3. With respect to claim 13, see paragraph 22 on page 2. With respect to claims 14-16, see paragraph 93 on page 4. With respect to claims 17 and 18, see paragraphs 91- 92 on page 4. With respect to claim 19, see volume control 31. With respect to claim 20, see paragraph 93 on page 4.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the online reference to Ohnstad.

The online reference to Ohnstad discloses that as of January 1998, the concept of a car stereo with a driver warning or alarm system, similar to that of instant claim 1, was known. Although the article does not detail the structure of the car stereo and the structure of a radar detector, such structures are well known, as evidenced by the references cited on the pto-892 and pto-1449 forms, noted in the prior office action. Therefore, it would have been obvious to one of ordinary skill in the art, in view of the online discussion article to Ohnstad, to modify the conventional radar detector and car stereo to a single housing that mutes the car stereo when a radar signal is detected. Claim 1 is so rejected.

With respect to the dependent claims 2-20, it is obvious to one of ordinary skill in the art that he claimed features of the housing, housing placement amplifier, tuner, etc. are conventional and well within the purview of the prior art car stereo/radar detectors.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unser et al ('086) when taken in view of Atkinson ('491) or the online reference to Ohnstad.

Unser et al discloses a combination scanning receiver for public service radio bands or broadcasts on the citizen band and radar detector warning system that includes a housing adapted for mounting to the dashboard of a motor vehicle, an amplifier provided within said housing for amplifying audio signals, at least one speaker electrically connected to the amplifier for producing audible sounds, means (FM/AM radio) for generating audio signals electrically connected to the amplifier, radar detector

Art Unit: 3662

means for detecting the presence of radar signals provided within the housing, alert means electrically connected to the radar detector means for providing at least one of a visual warning signal and audible warning signal when radar signals are detected, and muting means for reducing the level of sound provided to at least one speaker from the means for generating audio signal whenever the radar detector means detects the presence of radar signals.

The difference between claim 1 and Unser et al is the claim specifies the integration of a radar detector and a car stereo whereas Unser et al discloses the integration of a radar detector and a citizen's band radio.

Atkinson discloses a system that integrates a radar device with a typical AM/FM car radio (col. 6, lines 44-60). Although the radar detector is utilized in Atkinson for detecting an approaching train, there is no structural difference between a police radar and a radar for detecting approaching trains. Further, the online reference to Ohnstad discusses the merits and advantages of integrating radar detectors and car stereo's.

Thus, in view of the integration of radar detection and car stereo's as taught by Atkinson and Ohnstad, it would have been obvious to one of ordinary skill in the art to have modified Unser et al to integrate the radar detector with a car stereo. Claim 1 is so rejected.

Dependent claims 2-20 are further provided by the above noted combination of prior art, when taken as a whole.

***Response to Arguments***

6. Applicant's arguments filed June 10, 2004 have been fully considered but they are not persuasive.

First, with respect to the 35 USC 102(b) rejection, it is noted that applicant may be able to overcome the rejection by claiming the instant application as a child (i.e., continuation, continuation-in-part) application of the '038 publication. Currently, the publication anticipates all the structural elements of the instant claims and therefore is applicable against the instant structure claimed.

With respect to the arguments directed to Ohnstad, it is apparent that applicant is not taking into account that the rejection is based upon what one of ordinary skill in the art would glean from Ohnstad. Specifically, applicants arguments against Ohnstad appear to be directed to what a person(s) off the street without any knowledge of cars, stereos and the basics of electrical engineering may glean from the article, not a person having ordinary skill in the art. Under Deere, the level of ordinary skill in this art may be determined by the analysis of the Court as set forth in *Environmental Design Ltd. v. Union Oil Co.* 713 F.3d 693, 218 USPQ 865-69 (Fed. Cir. 1983) cert. denied, 464 U.S. (1984), where the court listed these factors relevant to the determination of the level of ordinary skill: type of problems encountered in the art, prior art solutions, rapidity of innovations, sophistication of technology, and educational level of the active worker in the field. Taking all of these factors into account, it is apparent that the level of ordinary skill in this art would be an electrical engineer with knowledge in radar technology, automobiles and rf transmissions.

With respect to Unser et al, applicant 's argument have been considered but found moot in view of the new rejection.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian J. Lobo whose telephone number is (703) 306-4161. The examiner can normally be reached on Monday - Friday, 6:30 - 3:00.

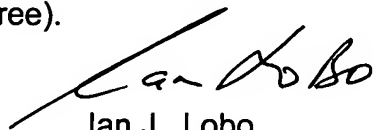
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on (703) 306-4171. The fax phone



Art Unit: 3662

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Ian J. Lobo", is positioned above the printed name.

Ian J. Lobo  
Primary Examiner  
Art Unit 3662